

Exhibit 3

TIMOTHY ELDER (CA BAR NO. 277152)
TRE LEGAL PRACTICE
1155 Market Street, Tenth Floor
San Francisco, CA 94103
Telephone: (415) 873-9199
Facsimile: (415) 952-9898
Email: telder@trelegal.com

S. Tomiyo Stoner (CA Bar No. 289246)
Undaunted Law Firm, P.C.
1500 Dragon St. Suite 160
Dallas, Texas 75039
Telephone: (214) 415-7340
E-mail: tstoner@undauntedlaw.com

Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

LISAMARIA MARTINEZ,

Plaintiff,

v.

**COUNTY OF ALAMEDA, MELISSA
WILK, in her individual capacity, EVA HE,
in her individual capacity, MARIA LAURA
BRIONES, in her individual capacity,**

Defendants

Case No. 3:20-cv-06570-TSH

**PLAINTIFF'S EXCHANGED PRETRIAL
DISCLOSURES**

1 **PLAINTIFF'S EXCHANGED PRETRIAL DISCLOSURES**

2 Per the Court's Case Management Order (ECF No. 33, p. 3) and FRCP 26(a)(3), Plaintiff
3 provides the following pretrial disclosures.

4 **I. WITNESS LIST**

5 **Lisamaria Martinez**

6 c/o TRE LEGAL PRACTICE
7 1155 Market Street, Tenth Floor
8 San Francisco, CA 94103

9 Plaintiff will testify as to all aspects of the claims and defenses presented herein. See Plaintiff's
10 deposition for further detail. Direct examination is anticipated to take approximately 3 hours.

11 **Joseph A. Bakker**

12 c/o TRE LEGAL PRACTICE
13 1155 Market Street, Tenth Floor
14 San Francisco, CA 94103

15 4513 Fernandez St.
16 Union City, CA 94587
17 (408) 410-8228.

18 Plaintiff's husband will testify as to the tools, techniques and technologies Ms. Martinez uses on
19 a daily basis to navigate the world as a person who is blind. He will testify about the assistance
20 that he had to provide to help Plaintiff fill out the inaccessible FBN PDF forms. He will also
21 testify as to the emotional and stigmatic injury suffered by Ms. Martinez. Direct examination is
22 anticipated to take 1.5 hours.

23 **Emily Grimm**

24 c/o TRE LEGAL PRACTICE
25 1155 Market Street, Tenth Floor
26 San Francisco, CA 94103

27 34862 Lilac St.
28 Union City, CA 94587
(707) 704-0416.

Ms. Grimm will testify as to the process of acting as a qualified reader as she performed
it for Ms. Martinez. Ms. Grimm will also testify as to her experiences accompanying Ms.
Martinez to the CRO on a second occasion and the charges Plaintiff incurred for using
her services at a rate of \$25 per hour. She will also testify as to the emotional and
stigmatic injury suffered by Ms. Martinez. Direct examination is anticipated to take 1.5
hours.

Corporate Representative for County of Alameda

c/o ORBACH HUFF, et al.
6210 Stoneridge Mall Road, #210
Pleasanton, CA 94588

The Corporate Representative will testify as to the relevant policies of the CRO and all aspects of the defenses brought by the county. Direct examination is anticipated to take 2-3 hours.

Angelina Moran

c/o ORBACH HUFF, et al.
6210 Stoneridge Mall Road, #210
Pleasanton, CA 94588

Ms. Moran will testify as to Ms. Martinez's attempts to file the FBN, the policies of the CRO as she understood them, her prior training, and all other matters relevant to the defenses of the County of Alameda. Direct examination is anticipated to take 1-2 hours.

Matt Yankee

c/o ORBACH HUFF, et al.
6210 Stoneridge Mall Road, #210
Pleasanton, CA 94588

Mr. Yankee will testify as to the relevant policies of the CRO, his understanding of the ADA, and all aspects of the defenses brought by the county. Direct examination is anticipated to take 2-3 hours.

Witnesses to be Called if the Need Arises

Maria Laura Briones

c/o ORBACH HUFF, et al.
6210 Stoneridge Mall Road, #210
Pleasanton, CA 94588

Ms. Briones will testify as to Ms. Martinez's attempts to file the FBN, the policies of the CRO as she understood them, her prior training, her understanding of the ADA, and all other matters relevant to the defenses of the County of Alameda. Direct examination is anticipated to take 1-2 hours if this witness is called.

Melissa Wilk

c/o ORBACH HUFF, et al.
6210 Stoneridge Mall Road, #210
Pleasanton, CA 94588

Ms. Wilk will testify as to the relevant policies of the CRO and all aspects of the defenses brought by the county. Direct examination is anticipated to take 1-2 hours if this witness is called.

Eva He

c/o ORBACH HUFF, et al.

6210 Stoneridge Mall Road, #210

Pleasanton, CA 94588

Ms. He will testify as to Ms. Martinez's attempts to file the FBN, the policies of the CRO as she understood them, her prior training, her understanding of the ADA, and all other matters relevant to the defenses of the County of Alameda. Direct examination is anticipated to take 1-2 hours. Direct examination is anticipated to take 1-2 hours if this witness is called.

Plaintiff reserves the right to call any witness designated by Defendants.

II. PLAINTIFF’S PROPOSED EXHIBITS

- Exhibit 1 – Title II Elements and Jury Charge Demonstrative Chart(s)
- Exhibit 2 – Excerpts from the Code of Federal Regulations – Dep. Ex. H1
- Exhibit 3 – DOJ Guidance – Ex. B1 and all sources referenced therein
- Exhibit 4 – DOJ Publication – ADA Requirements – Effective Communication
- Exhibit 5 – DOJ Position Statements/Consent Decrees
- Exhibit 6 – Demonstrative Photographs of the CRO Public Waiting Area
- Exhibit 7 – Blank Fictitious Business Name Statement (including digital format)
- Exhibit 8 – Plaintiff’s Initial Completed FBN Form – Dep. Ex. M2
- Exhibit 9 – Be Confident Be You Articles of Incorporation – PL0007-8
- Exhibit 10 – Go Back Letter – Ex. M1
- Exhibit 11 – Final Filed FBN – Ex. M4
- Exhibit 12 – Martinez family mementos
- Exhibit 13 – Photographs/promotional materials from Be Confident Be You™
- Exhibit 14 – Audio recordings and/or transcripts of the incident in question
- Exhibit 15 – Plaintiff’s Claim Against the County of Alameda – Dep. Ex. Y1, PL0014-16
- Exhibit 16 – Acknowledgement of Plaintiff’s Claim – Dep. Ex. AC3
- Exhibit 17 – “May I Help You? Legal Advice vs. Legal Information: A Resource Guide for Court Clerks” (California Judicial Council Access and Fairness Advisory Committee),
<https://www.courts.ca.gov/documents/Disability-Accommodations-in-California-Courts.pdf>
- Demonstrative historical photographs, videos, and documents regarding the history of the ADA
- Exhibit 18 – Demonstrative laptop with JAWS software and blank FBN PDF form
- Exhibit 19 – Demonstrative iPhone replica of Plaintiff’s iPhone with FBN form and VoiceOver
- Exhibit 20 – Demonstrative \$100 bill
- Exhibit 21 – Demonstrative clock timer
- Exhibit 23 – Demonstrative ink pen
- Exhibit 24 – Demonstrative Kleenex package

1 Exhibit 25 – Demonstrative historical photographs, videos, and documents regarding the history
2 of the ADA

3 **Exhibits to Be Offered if the Need Arises**

4 Exhibit 26 – County Budgets – Dep. Exs. AC6 & AC7

5 Exhibit 27 – California Government Code 2720 – Dep. Ex. AC5

6 Exhibit 28 – Defendant’s Discovery Responses

7 Exhibit 29 – Defendant’s Initial Disclosures

8
9 Plaintiff reserves the right to use all evidence designated by Defendants and all deposition
10 exhibits and production for impeachment purposes.

III. DESIGNATION OF DEPOSITION TESTIMONY

Plaintiff intends to present all witnesses live. However, in the event of the unavailability of a witness at trial, Plaintiff provides disclosures as set forth in **Exhibits A-E**. Plaintiff reserves the right to use all non-designated testimony for impeachment only.

DATED: October 5, 2022

Respectfully submitted,

TRE LEGAL PRACTICE

/s/ Timothy Elder

Timothy R. Elder

Attorneys for Plaintiff

PROOF OF SERVICE

I, Michelle Korosy, declare.

1. I am over 18 years of age and not a party to this action.
2. My business address is 1155 Market Street, 10th Floor, San Francisco, CA 94103.
3. On October 5, 2022, I served the following document(s) via electronic service at the email

addresses set forth below:

PLAINTIFF'S EXCHANGED PRETRIAL DISCLOSURES, EXHIBITS A-E

4. Persons served include:

Attorneys for Defendants County of Alameda, Melissa Wilk, Eva He, and Maria Laura Briones:

Kevin Gilbert - kgilbert@ohshlaw.com

Nicholas D. Fine - nfine@ohshlaw.com

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed at Clovis, California on October 5, 2022.

Michelle Korosy

Michelle Korosy